



3 DAC-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Schiller <i>et al.</i>	§	ART UNIT:
	§	
FILED: December 10, 2001	§	
	§	EXAMINER:
SERIAL NO.: 10/006,759	§	
	§	
FOR: A Method for Creating a	§	DOCKET:
Frozen Tissue Array	§	D6350B

The Honorable Commissioner of Patents  
Box DAC  
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

Dear Sir:

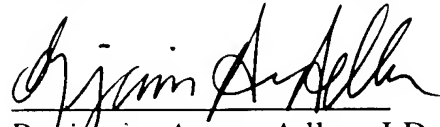
I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to The Honorable Commissioner of Patents, Box DAC, Washington DC 20231.

- 1) Petition under 37 C.F.R. 1.183;
- 2) Declaration;
- 3) Copies of telephone bill;
- 4) Copy of the return postcard as filed; and
- 5) Return postcard.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: April 5, 2002  
 ADLER & ASSOCIATES  
 8011 Candle Lane  
 Houston, Texas 77071  
 (713) 270-5391  
 BADLER1@houston.rr.com

  
 Benjamin Aaron Adler, J.D., Ph.D.  
 Registration No. 35,423  
 Counsel for Applicant

RECEIVED  
 APR 14 2002

APR 15 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Schiller *et al.*

FILED: December 10, 2001

SERIAL NO.: 10/006,759

FOR: A Method for Creating a  
Frozen Tissue Array

§ ART UNIT:

§

§

§

§

§

§

§

EXAMINER:

DOCKET:

D6350B

The Honorable Commissioner of Patents  
Box DAC  
Washington, D.C. 20231

PETITION TO SUSPEND THE RULES UNDER 37 C.F.R. 1.183

Dear Sir:

Applicants hereby petition under 37 C.F.R. 1.183 that the filing date accorded the above-referenced patent application be changed to November 30, 2001, the date the application was mailed, based on the information received via a telephone conversation with the Patent Office concerning the procedure for emergency provisions under 37 C.F.R. 1.6 for mailing correspondence normally sent via Express Mail Post Office to Addressee under 37 C.F.R. 1.10. Applicants enclose a Declaration detailing the events and believe this constitutes extraordinary circumstances under which to suspend the rules and to grant the petition. Applicants further enclose a copy of the return postcard dated by Applicants November 30, 2001 identifying the documents filed for the above-referenced patent application. Applicants submit that a date-stamped postcard was never received and that many return postcards dated November 2001 and after have not been received back from Patent Office.

Please debit the \$130 Petition Fee under 37 C.F.R. 1.17(h) from Deposit Account No. 07-1185.

Respectfully submitted,

Date:

April 5, 2002  
ADLER & ASSOCIATES  
8011 Candle Lane  
Houston, Texas 77071  
(713) 270-5391  
BADLER1@houston.rr.com

Benjamin Aaron Adler  
Benjamin Aaron Adler, J.D., Ph.D.  
Registration No. 35,423  
Counsel for Applicant

04/18/2002 GTEFFERA 00000057 071185 10006759

01 FC:122 130.00 CH

RECEIVED  
APR 15 2002

APR 13 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Schiller *et al.*

FILED: December 10, 2001

SERIAL NO.: 10/006,759

FOR: A Method for Creating a  
Frozen Tissue Array

§  
§  
§  
§  
§  
§  
§

ART UNIT:

EXAMINER:

DOCKET:  
D6350B

The Honorable Commissioner of Patents  
Box DAC  
Washington, D.C. 20231

DECLARATION

Dear Sir:

I, Colleen M. Werner, do hereby depose and say as follows:

1. I am an employee of the law firm of Benjamin Aaron Adler, Registration No. 35,423, attorney of record for U.S. Ser. No. 10/006,759, accorded a filing date of December 10, 2001.

2. I placed a telephone call to the United States Patent Office either on November 20<sup>th</sup> or on November 30<sup>th</sup> to inquire about the Notification Related to United States Postal Service Interruption issued by the Office of Patent Legal Administration which I had read but had found confusing. I do not have the name of the person with whom I spoke. Nor do I remember if this conversation occurred immediately or if I left a message and received a return phone call.

3. I asked whomever I spoke with to explain to me how to use the temporary P.O. Box in Arlington, Virginia assigned for correspondence filed under 37 C.F.R. 1.10. I was told that if this address together with the

Box the correspondence was to be directed, i.e., Box Patent Application, was placed on a Certificate of Mailing, the attached correspondence would be received as though mailed according to 37 C.F.R. 1.10. I further inquired how this was to be mailed and was informed that it could be mailed via the U.S. Postal Service First Class Mail since express mail was not being accepted.

4. I acted in good faith on this information and I believed that this procedure would accord the filing date as that date on the Certificate of Mailing. I deposited the documents identified on the enclosed return postcard with the U.S. Postal Service as First Class Mail on November 30, 2001 to: The Honorable Commissioner of Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Box Patent Application, Arlington, VA 22201.

5. A true copy of the return postcard for the above-referenced patent application is attached hereto. A date-stamped postcard indicating receipt of the correspondence was not received, however many postcards dated November 2001 or later were damaged or lost during security procedures.

6. True copies of the phone bills detailing long distance calls placed on November 20, 2001 and on November 30, 2001 is attached hereto. I can not definitely state the exact date the telephone call was placed or to which telephone number it was made. Additionally, the numbers dialed and the number recorded on the telephone bill are not always the same for a particular telephone call as calls can be switched or redirected.

7. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are

believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 4, 2002

Colleen M. Werner  
Colleen M. Werner

APR 1 2002

Inventor: Schiffner et al.  
Serial No. \_\_\_\_\_

Atty: DIA  
Docket No. D6350B Date: 11/30/01

<input type="checkbox"/> Provisional Patent Application w/coversheet	<input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> 1 month(s)
<input type="checkbox"/> Sequence Listing w/ Compliance Letter	<input type="checkbox"/> with check for \$
<input checked="" type="checkbox"/> Application for Patent including	<input type="checkbox"/> Response to Notice to File Missing Parts
<u>22</u> pages: per. claims <u>18</u>	<input type="checkbox"/> Response to Office Action <input type="checkbox"/> RAF
<input type="checkbox"/> Request for filing <input type="checkbox"/> Continuation	<input type="checkbox"/> Priority Document
<input type="checkbox"/> Divisional	
<input checked="" type="checkbox"/> Drawings, <u>7</u> sheets <input type="checkbox"/> informal <input type="checkbox"/> formal	<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Check for \$	<input type="checkbox"/> PTO form 1449
<input checked="" type="checkbox"/> Certificate of Mailing 1.10	<input type="checkbox"/> Notice of Appeal
<u>as governed by CFR 1.6(e)</u>	<input type="checkbox"/> Appeal Brief _____ pages
<input type="checkbox"/> Certificate of Mailing 1.8	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Transmittal letter	<input type="checkbox"/> Power of Attorney by assignee
<input type="checkbox"/> Verified Small Entity Status Form	<input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration <input type="checkbox"/> Oath
<input checked="" type="checkbox"/> Combined Declaration and Power of Attorney <u>(3)</u>	<input type="checkbox"/> Application for Intent-to-use TM/SM
<input type="checkbox"/> Assignment, w/check for \$ _____	<input type="checkbox"/> Application for TM/SM Reg. w/specimen
<input checked="" type="checkbox"/> Postcard	<input checked="" type="checkbox"/> Other <u>Figs 1, 2, 3, 4, 5, 6, 7</u>

RECEIVED

APR 18 2002

APR 13 2002

Account Number  
713-270-5391-593-0  
December 13, 2001



Page 10 of 12

**Call Charges**  
(Continued)

Item	Date	Time	Place Called	Area	Number	Rate*	Min	Amount
94	11/13	09:38AM	ALEXANDRIA	VA	703 305-2094	D	3.00	.00
95	11/13	05:36PM	SUNNYVALE	CA	408 731-8060	D	1.00	.00
96	11/20	11:02AM	ALEXANDRIA	VA	703 305-5830	D	4.00	.00
97	11/26	01:27PM	ALEXANDRIA	VA	703 308-4496	D	1.00	.00
98	11/26	01:38PM	ALEXANDRIA	VA	703 305-5841	D	2.00	.00
99	11/29	01:07PM	ALEXANDRIA	VA	703 308-8542	D	2.00	.00
100	11/29	08:18AM	ALEXANDRIA	VA	703 308-0849	D	1.00	.00
101	11/29	09:17AM	NEW YORK	NY	212 659-5010	D	1.00	.00
102	11/29	01:48PM	BIRMINGHAM	AL	205 373-9443	D	12.00	.00
103	11/29	03:28PM	GALVESTON	TX	409 772-8348	D	1.00	.00
104	11/29	08:57AM	GOLDEN	CO	720 318-5027	D	2.00	.00
105	11/29	09:02AM	ALEXANDRIA	VA	703 308-4611	D	1.00	.00
106	11/29	11:49AM	ALEXANDRIA	VA	703 308-4611	D	1.00	.00
107	11/29	08:25AM	ALEXANDRIA	VA	703 305-7210	D	1.00	.00
108	11/29	11:09AM	ALEXANDRIA	VA	703 305-7210	D	1.00	.00
109	11/29	01:24PM	ALEXANDRIA	VA	703 305-6838	D	1.00	.00
110	11/29	01:09PM	GOLDEN	CO	720 318-5047	D	3.00	.00
111	11/29	01:17PM	HACKENSACK	NJ	201 343-1513	D	12.00	.00
112	11/29	02:01PM	NEW ORLEANS	LA	504 586-3946	D	1.00	.00

Total Domestic Calls for 713-270-5393 .00

Total Calls for 713-270-5393 .00

Total Call Charges 40.58

**Surcharges**

Description  
11% Fed Universal Service Fund

Page 9 of 12

Account Number  
713-270-5391-593-0  
January 13, 2002



**Call Charges**  
(Continued)

Total Calls for 713-270-5361 25.45

**Calls for 713-270-5392**

Item	Date	Time	Place Called	Area	Number	Rate*	Min	Amount
57	12/03	02:27PM	ALEXANDRIA	VA	703 305-8047	D	1.00	.00
Total Domestic Calls for 713-270-5392								.00

Total Calls for 713-270-5392 .00

**Calls for 713-270-5393**

Item	Date	Time	Place Called	Area	Number	Rate*	Min	Amount
58	11/30	10:59AM	ALEXANDRIA	VA	703 308-1202	D	1.00	.00
59	12/04	08:52AM	NEW YORK	NY	212 263-8043	D	1.00	.00
60	12/04	10:29AM	SAN JOSE	CA	408 563-0788	D	2.00	.00
61	12/04	01:32PM	BIRMINGHAM	AL	205 266-2868	D	13.00	.00
62	12/04	01:44PM	NEW YORK	NY	212 659-6181	D	6.00	.00
63	12/05	08:34AM	ALEXANDRIA	VA	703 308-8892	D	1.00	.00
64	12/05	09:13AM	ALEXANDRIA	VA	703 308-0196	D	1.00	.00
65	12/05	10:04AM	ALEXANDRIA	VA	703 308-8892	D	1.00	.00
66	12/05	04:27PM	AUSTIN	TX	512 424-7293	D	4.00	.00
67	12/06	11:52AM	ALEXANDRIA	VA	703 308-4357	D	5.00	.00
68	12/06	11:57AM	ALEXANDRIA	VA	703 308-4357	D	5.00	.00

RECEIVED

APR 13 2002

OFFICE OF PETITIONS